

Bill No. CS for SB 2-D

Amendment No. ____ Barcode 702218

1 responsibility to cover potential claims for medical
 2 malpractice. However, certain part-time physicians who meet
 3 state requirements are exempt from the financial
 4 responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND
 5 HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This
 6 notice is provided pursuant to Florida law.

7 ~~(g) Any person holding an active license under this~~
 8 ~~chapter who agrees to meet all of the following criteria:~~

9 ~~(6)(a)1.~~ Upon the entry of an adverse final judgment
 10 arising from a medical malpractice arbitration award, from a
 11 claim of medical malpractice either in contract or tort, or
 12 from noncompliance with the terms of a settlement agreement
 13 arising from a claim of medical malpractice either in contract
 14 or tort, the licensee shall pay the judgment creditor the
 15 lesser of the entire amount of the judgment with all accrued
 16 interest or either \$100,000, if the physician is licensed
 17 pursuant to this chapter but does not maintain hospital staff
 18 privileges, or \$250,000, if the physician is licensed pursuant
 19 to this chapter and maintains hospital staff privileges,
 20 within 60 days after the date such judgment became final and
 21 subject to execution, unless otherwise mutually agreed to in
 22 writing by the parties. Such adverse final judgment shall
 23 include any cross-claim, counterclaim, or claim for indemnity
 24 or contribution arising from the claim of medical malpractice.
 25 Upon notification of the existence of an unsatisfied judgment
 26 or payment pursuant to this subparagraph, the department shall
 27 notify the licensee by certified mail that he or she shall be
 28 subject to disciplinary action unless, within 30 days from the
 29 date of mailing, he or she either:

30 ~~1.a.~~ Shows proof that the unsatisfied judgment has
 31 been paid in the amount specified in this subparagraph; or

Bill No. CS for SB 2-D

Amendment No. ____ Barcode 702218

1 ~~2.b.~~ Furnishes the department with a copy of a timely
2 filed notice of appeal and either:

3 ~~a.(I)~~ A copy of a supersedeas bond properly posted in
4 the amount required by law; or

5 ~~b.(II)~~ An order from a court of competent jurisdiction
6 staying execution on the final judgment pending disposition of
7 the appeal.

8 ~~(b)2.~~ The Department of Health shall issue an
9 emergency order suspending the license of any licensee who,
10 after 30 days following receipt of a notice from the
11 Department of Health, has failed to: satisfy a medical
12 malpractice claim against him or her; furnish the Department
13 of Health a copy of a timely filed notice of appeal; furnish
14 the Department of Health a copy of a supersedeas bond properly
15 posted in the amount required by law; or furnish the
16 Department of Health an order from a court of competent
17 jurisdiction staying execution on the final judgment pending
18 disposition of the appeal.

19 ~~(c)3.~~ Upon the next meeting of the probable cause
20 panel of the board following 30 days after the date of mailing
21 the notice of disciplinary action to the licensee, the panel
22 shall make a determination of whether probable cause exists to
23 take disciplinary action against the licensee pursuant to
24 paragraph (a) subparagraph 1.

25 ~~(d)4.~~ If the board determines that the factual
26 requirements of paragraph (a) subparagraph 1. are met, it
27 shall take disciplinary action as it deems appropriate against
28 the licensee. Such disciplinary action shall include, at a
29 minimum, probation of the license with the restriction that
30 the licensee must make payments to the judgment creditor on a
31 schedule determined by the board to be reasonable and within

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Amendment No. ____ Barcode 702218

1 the financial capability of the physician. Notwithstanding any
2 other disciplinary penalty imposed, the disciplinary penalty
3 may include suspension of the license for a period not to
4 exceed 5 years. In the event that an agreement to satisfy a
5 judgment has been met, the board shall remove any restriction
6 on the license.

7 (e)5- The licensee has completed a form supplying
8 necessary information as required by the department.

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10 ~~A licensee who meets the requirements of this paragraph shall~~
11 ~~be required either to post notice in the form of a sign~~
12 ~~prominently displayed in the reception area and clearly~~
13 ~~noticeable by all patients or to provide a written statement~~
14 ~~to any person to whom medical services are being provided.~~
15 ~~Such sign or statement shall state: "Under Florida law,~~
16 ~~physicians are generally required to carry medical malpractice~~
17 ~~insurance or otherwise demonstrate financial responsibility to~~
18 ~~cover potential claims for medical malpractice. YOUR DOCTOR~~
19 ~~HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This~~
20 ~~is permitted under Florida law subject to certain conditions.~~
21 ~~Florida law imposes penalties against noninsured physicians~~
22 ~~who fail to satisfy adverse judgments arising from claims of~~
23 ~~medical malpractice. This notice is provided pursuant to~~
24 ~~Florida law."~~

25 (7)(6) Any deceptive, untrue, or fraudulent
26 representation by the licensee with respect to any provision
27 of this section shall result in permanent disqualification
28 from any exemption to mandated financial responsibility as
29 provided in this section and shall constitute grounds for
30 disciplinary action under s. 458.331.

31 (8)(7) Any licensee who relies on any exemption from

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Amendment No. ____ Barcode 702218

1 the financial responsibility requirement shall notify the
2 department, in writing, of any change of circumstance
3 regarding his or her qualifications for such exemption and
4 shall demonstrate that he or she is in compliance with the
5 requirements of this section.

6 (9) Notwithstanding any other provision of this
7 section, the department shall suspend the license of any
8 physician against whom has been entered a final judgment,
9 arbitration award, or other order or who has entered into a
10 settlement agreement to pay damages arising out of a claim for
11 medical malpractice, if all appellate remedies have been
12 exhausted and payment up to the amounts required by this
13 section has not been made within 30 days after the entering of
14 such judgment, award, or order or agreement, until proof of
15 payment is received by the department or a payment schedule
16 has been agreed upon by the physician and the claimant and
17 presented to the department. This subsection does not apply to
18 a physician who has met the financial responsibility
19 requirements in paragraphs (1)(b) and (2)(b).

20 (10)(8) The board shall adopt rules to implement the
21 provisions of this section.

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